

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS
OFFICIAL MINUTES
REGULAR MEETING
JANUARY 17, 2006
6:30 P.M.**

The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.

PRESENT: Commissioner David Sandifer, Chairman
Commissioner Phil Norris, Vice-Chairman
Commissioner May Moore
Commissioner Tom B. Rabon, Sr.
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager
Steve Stone, Assistant County Manager
Huey Marshall, County Attorney
Jana Berg, Assistant County Attorney
Debby Gore, Clerk to the Board
Ann Hardy, Fiscal Operations Director

Tony Cummings, Chief Deputy

I. CALL TO ORDER

Chairman Sandifer called the meeting to order at 6:30 p.m.

II. INVOCATION/PLEDGE OF ALLEGIANCE

Commissioner Sue gave the Invocation and led the Pledge of Allegiance.

III. ADJUSTMENTS/APPROVAL OF AGENDA

Chairman Sandifer asked if there were any adjustments to the agenda. There were no adjustments made.

Commissioner Sue moved to approve the agenda. The vote of approval was unanimous.

IV. PUBLIC COMMENTS

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda.

1. Willie Sloan spoke in behalf of Town Creek Vision Corporation and thanked the Board for past support. Mr. Sloan stated that the Corporation was running out of funds and requested that the Board contribute at least \$100,000 to finish construction of their 17,000 square foot facility.

V. APPROVAL OF CONSENT AGENDA

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

A. Minutes

- 1) December 19, 2005 – Regular Meeting – 6:30 p.m.

B. Tax Matters (Exhibit Book 51, Attachment #1)

- 1) Monthly Tax Collection Report
- 2) Tax Releases for September 2005
- 3) Fire Fee Releases for January 2006
- 4) Motor Vehicle Valuation and Levy for September 2005

C. Finance (Exhibit Book 51, Attachment #2)

- 1) Health Fund Amendment 18

The Health Department reports that it desires to remove the berms surrounding the facility for improved drainage. Since the Department provides Medicaid services, their staff indicates that this is a Medicaid eligible expenditure and requests to use the Health Department escrow fund for the expenditure. The department requests a budget amendment in the amount of \$15,000 to appropriate health escrow funds for the removal of the berms. There are no additional county funds involved in this amendment.

- 2) Health Fund Amendment 19

The Health Department has received a grant in the amount of \$1,585 for use in the Immunizations program 135126. These are restricted funds for utilization in the special program. The funds are nonrecurring and an additional Aid to County funds which must be used to help maximize utilization of the new NC Immunization Registry (NCIR). The funds may be used for computers, printers or high speed internet service which is dedicated for NCIR use. There are no additional county funds involved in this amendment.

- 3) Health Fund Amendment 20

The County is in receipt of refunds from the NC State Department of Crime Control for public safety expenditures associated with Hurricane Ophelia. The Health Department requests that the refund be appropriated for expenses associated with salaries and wages of personnel in the amount of \$18,598. There are no additional county funds involved in this amendment.

- 4) Emergency Telephone Service Fund Amendment 2

The County is in receipt of refunds from the NC State Department of Crime Control for public safety expenditures associated with Hurricane Ophelia. The EMS Department requests that the refund be appropriated for expenses associated with salaries and wages of personnel in the amount of \$3,113. There are no additional county funds involved in this amendment.

- 5) Food Service Fund Amendment 1

The County is in receipt of refunds from the NC State Department of Crime Control for public safety expenditures associated with Hurricane Ophelia. The Food Service Department requests that the refund be appropriated for expenses associated with salaries and wages of personnel in the amount of \$409. There are no additional county funds involved in this amendment.

- 6) Social Services Fund Amendment 6

The County is in receipt of refunds from the NC State Department of Crime Control for public safety expenditures associated with Hurricane Ophelia. The Social Services Department requests

that the refund be appropriated for expenses associated with salaries and wages of personnel in the amount of \$7,189. There are no additional county funds involved in this amendment.

7) General Fund Amendment 44

The Parks and Recreation Program collected \$57,500 of funds in excess of amounts budgeted in the Dixie Youth Baseball Program. The department requests to appropriate the additional collections to the Dixie Youth Baseball Program. There are no additional county funds involved in this amendment.

8) General Fund Amendment 46

The County is in receipt of refunds from the NC State Department of Crime Control for public safety expenditures associated with Hurricane Ophelia. The various affected departments operating in the general fund request that the refund be appropriated for expenses associated with salaries and wages of personnel and professional services for yard debris removal in the amount of \$95,474. There are no additional county funds involved in this amendment.

9) Enterprise Capital Reserve Fund Amendment 13

Enterprise Capital Project Fund Amendment 15

The County approved an agreement for construction of BCC & County Complex Pump Station Project 418234 on December 19, 2005 with Alderman Brother Construction, Inc. in the amount of \$635,970. This amendment will transfer \$45,000 to the capital project so that the full amount of the contract is appropriated in the project fund. The funding source is unappropriated investment earnings currently held in the Enterprise Capital Reserve Fund. There are \$45,000 additional county funds involved in this amendment.

10) Sewer Fund Amendment 5

The County is in receipt of refunds from the NC State Department of Crime Control for public safety expenditures associated with Hurricane Ophelia. The various affected sewer departments request that the refund be appropriated for expenses associated with salaries and wages of personnel in the amount of \$3,146. There are no additional county funds involved in this amendment.

11) Water Fund Amendment 8

The County is in receipt of refunds from the NC State Department of Crime Control for public safety expenditures associated with Hurricane Ophelia. The various affected departments operating in the water fund request that the refund be appropriated for expenses associated with salaries and wages of personnel in the amount of \$9,460. There are no additional county funds involved in this amendment.

12) Budget Ordinance Amendment

The Wastewater Rate Schedule (Attachment 3) of the Budget Ordinance adopted by the Board of Commissioners for fiscal year 2005-2006 provided an effective date for wastewater rates of 07/01/2005 to 01/31/2006 and 02/1/2006 to 07/31/2006. Staff recommends that the effective date 02/01/2006 to 07/31/2006 be amended to read the first full month of service after the West Brunswick Regional Wastewater Treatment Plant becomes operational.

D. Health Department – Resolution – Influenza Vaccine Distribution (Exhibit Book 51, Attachment #3)

To request approval of a Resolution regarding Influenza Vaccine Distribution.

Influenza Vaccine Supply Resolution

**Brunswick County Board of County Commissioners
Brunswick County, North Carolina**

WHEREAS each year, a substantial proportion of vaccine-preventable diseases occur among adults, despite the availability of safe and effective vaccines; and

WHEREAS, adult immunization levels continue to lag far behind childhood rates, and adult morbidity and mortality from vaccine-preventable diseases remain distressingly high; and

WHEREAS, adults form the core infrastructure needed to respond to any emergent public safety and health need; and

WHEREAS, the burden of and responsibility for vaccinating high-risk and vulnerable populations often falls upon public health departments and their public partners; and

WHEREAS, public health is often unable to serve the high-risk and vulnerable populations within a community because of a lack of timely distribution of vaccine, especially influenza vaccine; and

WHEREAS, commercial vaccinators make early bulk purchases of influenza vaccine and are able to offer mass flu campaigns before public health can vaccinate high-risk populations; and

WHEREAS, the federal government and local medical providers look to the public health infrastructure to be prepared to respond to and coordinate the response of any communicable disease outbreak, including an influenza pandemic; and

WHEREAS, the federal government has provided support for the childhood immunization program nationally that has resulted in dramatic reductions in childhood vaccine preventable diseases; and

WHEREAS, an adult immunization infrastructure is needed prior to implementation of a national universal influenza vaccine recommendation.

NOW, THEREFORE, in recognition of this compelling public health challenge, the Brunswick County Health Department and the Brunswick County Commissioners request that:

- **Sufficient federal funding be identified to support a robust adult vaccine preventable disease vaccination infrastructure and program that would include influenza as a primary component;**
- Guaranteed government prices for influenza vaccine be offered as an incentive for vaccine production to meet the demand;
- Federal government bulk purchase a base number of doses for public health;
- Regulations be created to guarantee distribution to public agencies first; and
- Enforcement rules be developed for providers who disregard high-risk vaccination criteria.

This the 17th day of January, 2006.

s/David R. Sandifer, Chairman
Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board

E. Resolution – Yes to Beaches 2006 (Exhibit Book 51, Attachment #4)

To request approval of a Resolution concerning the environmental and economic health of our coastal resources and communities.

YES TO BEACHES 2006

WHEREAS, America's beaches provide vital economic, recreational, storm damage reduction and environmental benefits to the Nation; and

WHEREAS, the devastation caused by recent hurricanes and severe weather underscores the need to invest in our Nation's water resources infrastructure, including shore protection projects; and

WHEREAS, nearly 60 percent of all Americans live within 50 miles of the Atlantic and Pacific Oceans, the Gulf of Mexico and the five Great Lakes; and

WHEREAS, the Nation's beaches are the leading tourist destination for millions of domestic and foreign visitors, providing jobs and business profits which in turn produce billions of dollars of tax revenues for the Federal government, as well as state and local governments; and

WHEREAS, the Federal government has made a commitment to our Nation's beaches by partnering with state and local governments to fund on-going beach restoration projects, including periodic beach renourishment, for over sixty years, and

WHEREAS, the past half century has demonstrated that beach nourishment works as a means of repairing erosion and providing public recreation while producing at least \$4 in national economic benefits for every \$1 of Federal money spent.

It is now therefore resolved by the Brunswick County Commissioners, meeting in regular session that the said Commissioners urges Congress to pass the Water Resources Development Act (WRDA), support adequate funding for beach nourishment, reject all efforts to withdraw from or limit the Federal government's role in our Nation's beach nourishment projects and recognize that continued Federal support is critical to the sustained environmental and economic health of our coastal resources and communities.

This the 17th day of January, 2006.

s/David R. Sandifer, Chair
Brunswick County Commissioners
Attest:
s/Deborah S. (Debby) Gore, CMC
Clerk to the Board

F. Resolution – Hickmans Crossroads speed (Exhibit Book 51, Attachment #5)

To request approval of a Resolution concerning Hickman Road and the impacts of commerce on the Hickman Road area.

RESOLUTION CONCERNING HICKMAN ROAD AND THE IMPACTS OF COMMERCE ON THE HICKMAN ROAD AREA

WHEREAS, the movement of good and services has always been a vital component of any economy, and the economy of Brunswick County has been robust and active in recent years, with no real signs of slowing or stopping in the near future, and

WHEREAS, the economies of adjacent areas have grown, and other local and state governments have induced mercantile activity with the constructions of devices and aids, such as the Carolina Bays Parkway, which has had a pronounced effect upon the Brunswick economy, and in particular, the local road known as Hickman Road, and

WHEREAS, the location of the road has made it a favorite of commerce between the Longs, SC, area and the Calabash and Carolina Shores, NC, areas, and this favor has been played out in the form of 18-wheelers and panel trucks, which use the road frequently, and have been known to use the road at elevated speeds, and

WHEREAS, the road has now become thickly settled, as so many have discovered the rapidly disappearing tranquility, and oppose the use of the road bed as a probable extension of the Carolina Bays Parkway, but seek to have that extension diverted to a different route and preserve the rural nature of the historical road.

THEREFORE, the Brunswick County Commissioners, meeting in regular session, do honor the request of the local people currently living along Hickman Road, and do publish their request that Hickman Road not be used as an extension of the Carolina Bays Parkway, but that instead, the speed limit along Hickman Road be reduced to forty-five (45) miles per hour, to promote the safety of the residents and visitors, and assist the local houses of worship in maintaining a quiet and pensive atmosphere.

This the 17th day of January, 2006.

s/David R. Sandifer, Chair

Brunswick County Commissioners

Attest:

s/Deborah S. (Debby) Gore, Clerk to the Board, CMC

VI. PRESENTATION

1. St. James Service Club Recognition – (Cynthia Tart and Ruth Smith)

Presenting information and recognizing the accomplishments of the St. James Service Club for the year 2005.

Cynthia Tart and Ruth Smith informed the Board of the many accomplishments of the St. James Service Club for the year 2005 that presently has 240 members. Ms. Smith reviewed some of the seventeen fundraisers that supplemented nineteen various non-profit groups in the community. Members and officers of the club were recognized and received applause from the Board and the audience. **(Exhibit Book 51, Attachment #6)**

2. CIS – Economic Impact Study Report – (Cynthia Tart)

Presenting information on the CIS Economic Impact Study conducted by UNCW.

Cynthia Tart presented information from the CIS Economic Impact Study and reviewed the economic impact of Communities in Schools of Brunswick County.
(Exhibit Book 51, Attachment #7)

VII. ADMINISTRATIVE REPORT

1. Public Housing – Closeout of FY03 CDBG Scattered Site Project - (Vonnie Fulwood)

Staff recommends that the Board of Commissioners set a Public Hearing for February 6, 2006 at 6:30 p.m. to closeout the FY 03 Community Development Block Grant Scattered Site Project.

Vonnie Fulwood, Public Housing Director explained that the County is at the close of the FY03 Community Development Scattered Site Block Grant #03-C-1127. The Scattered Site Housing grant funds were used to rehabilitate substandard stick built owner occupied dwellings and also for the relocation and clearance of dwellings that were dilapidated and could not be rehabilitated or repaired. The funds were used to address the most critical housing needs of very low income families. Those families selected consisted of elderly, disabled or handicapped families and a single parent whose primary income was social security from a deceased spouse.

Staff was able to rehabilitate four (4) homes which included modifications such as installing handicapped ramps, enlarging bathrooms for handicapped accessibility, new septic systems, new heating systems and complete rehabilitation of interiors and exteriors. The average cost of the rehabilitation on these dwellings averaged \$33,000.00. Six (6) owner occupied dwellings were demolished and replaced with manufactured homes which were brick underpinned and set up as real property. The average cost of clearance and relocation was \$58,000.00. The FY03 Scattered Site grant funds have made it possible for ten (10) Brunswick County households to now live in standard housing.

The budget expenditure breakdown is as follows:

	<u>Budgeted</u>	<u>Actual Cost</u>
Clearance	\$ 34,500.00	\$ 34,511.35
Relocation	\$316,932.00	\$316,675.29
Rehabilitation	\$148,763.00	\$141,379.28
Administration	<u>\$ 43,495.00</u>	<u>\$ 33,139.83</u>
Total	\$543,690.00	\$525,705.75

The Certificate of Completion notifies the North Carolina Department of Commerce that we will deobligate \$17,984.25 from this grant as part of the closeout process.

Setting a public hearing for public comment is a part of this close out procedure.

Commissioner Moore moved to set a Public Hearing for February 6, 2006 at 6:30 p.m. for FY03 Community Development Block Grant Scattered Site Project. The vote of approval was unanimous. **(Exhibit Book 51, Attachment #8)**

2. Public Housing – Crisis Housing Assistance Rehabilitation Contracts - (Vonnie Fulwood)

Staff recommends that the Board of Commissioners award three (3) Crisis Housing Assistance rehabilitation contracts to the following contractors: Hill Developers, ABT Building & Construction, LLC and Countywide CDC.

Vonnie Fulwood, Public Housing Director explained that the North Carolina Redevelopment Center awarded Brunswick County grant funding in the amount of \$482,852.00 to assist those families who placed applications with the “Operation Brighter Day” campaign initiated through Governor Easley’s office. Brunswick County had 146 applications, which included farmers who applied for agricultural purposes. Some of these families have voluntarily dropped their application from the pool and others have been determined ineligible to receive assistance. To date there are approximately 95 families who remain in the pool of applications to be processed.

Staff is ready to begin awarding the rehabilitation contracts to begin the repair and rehabilitation phase of the grant. There are three (3) owner occupied dwellings whose preliminary title opinions have been conducted, work write-ups complete and contractors have submitted bids to complete the designated work from the write-ups.

Staff requests that the Board of Commissioners award the following 2004 CHAF Rehabilitation contracts. The recipients are: Mr. Floyd and Mrs. Vernie Ganey of 1320 Church Road, Leland in the amount of \$29,950.00 to Hill Developers of Ash, NC; Ms. Fannie Brown of 10117 Chapel Loop Road, Leland in the amount of \$35,000 to ABT Building & Construction, LLC of Charlotte, NC and Ms. Maggie Smith of 7329 Marlon Road, Longwood to Countywide Community Development Corporation in the amount of \$15,000.00.

When these contracts are awarded, a preconstruction conference will be held with the owners and contractors to discuss the work write-up, contractual requirements will be explained and all documents will be executed before work will begins.

Vice-Chairman Norris moved to award three Crisis Housing Assistance rehabilitation contracts to the following contractors: Hill Developers, ABT Building & Construction, LLC and Countywide CDC. The vote of approval was unanimous. **(Exhibit Book 51, Attachment #9)**

3. Emergency Services - Mass Rescue Operations Plan MOA - (Randy Thompson)

Staff recommends that the Board of Commissioners approve a Memorandum of Agreement between the United States Coast Guard and the Stakeholders in the Little River, South and North Carolina areas and authorize the Emergency Services Director to sign the agreement on behalf of Brunswick County.

Randy Thompson, EMS Director explained that in the Spring of 2004, the Emergency Services Department participated in a number of planning sessions related to developing a Mass Rescue Plan for vessels traveling in the navigable water off the North Carolina coastline. The number of vessels operating out of the Calabash and Little River areas continues to increase each year. Current and anticipated vessels have the capability of carrying hundreds of passengers. Through a partnership of the cruise agencies and emergency responders, a plan has been developed to

address critical situations occurring on the navigable waters. The plan was tested recently at a Table-Top Exercise held in Calabash during the month of November 2005. The after action report which followed reflected positively on the plan. A functional exercise has been scheduled for January 26, 2006 to once again test the performance of those utilizing the plan. A copy of the Memorandum of Agreement and the Mass Rescue Operation Plan was made available for Board review. Staff feels that this is a very usable and necessary plan that can be implemented should a disaster occur on the navigable water off our coastline

Commissioner Rabon moved to approve the Memorandum of Agreement between the United States Coast Guard and the Stakeholders (includes Brunswick County) in the Little River, South and North Carolina areas regarding the Mass Rescue Operations Plan and authorize the Emergency Services Director to sign the agreement on behalf of Brunswick County. The vote of approval was unanimous. **(Exhibit Book 51, Attachment #10)**

4. Public Utilities–Surplus Declaration St. James Wastewater Treatment Plant-(Jerry Pierce)

Staff recommends that the Board of Commissioners declare the existing 600,000 gallon per day St. James Wastewater Treatment Plant surplus effective April 30, 2006 and authorize the County manager to seek proposals for its sale and removal after that date.

Jerry Pierce, Public Utilities Director explained that Brunswick County entered into an agreement with the developers of St. James Plantation and associated developments for the operation and maintenance of the wastewater collection system and wastewater treatment plant within the development. As a part of the agreement, the developers conveyed the sewer system and wastewater treatment plant to the County. Also, the County agreed to remove the existing wastewater treatment plant within six months of the completion of a pump station that diverts the wastewater from the existing treatment plant to the West Brunswick Regional Wastewater Treatment Plant. Due to size and configuration of the plant, the County does not have a need for the plant after it is removed from service.

The first step in removing the existing St. James Wastewater Treatment Plant is to declare the plant surplus and offer the plant for sale to other developers and municipalities. After the plant is declared surplus, the County staff will advertise the plant for sale and notify engineers and developers that the plant is for sale. If the plant cannot be sold as a wastewater treatment plant, the County would offer it for sale to other potential buyers. Staff expects the plant to be out of service and the residual wastewater removed from the plant by April 30, 2006, so the effective date that the plant would be available to a third party would be April 30, 2006.

Commissioner Sue moved to declare the existing 600,000 gallon per day St. James Wastewater Treatment Plant surplus effective April 30, 2006 and authorize the County Manager to seek proposals for its sale and removal after that date. The vote of approval was unanimous. **(Exhibit Book 51, Attachment #11)**

5. Board of Elections – Voting Equipment - (Greg Bellamy)

Staff recommends that the Board of Commissioners approve purchase of new voting system and the associated Budget Amendment.

Greg Bellamy, Board of Elections Director explained that the voting system must comply with requirements of NC Session Law 2005-323/Senate Bill 223. A Public Forum was held today in the Public Assembly Building. The two types of voting systems being considered are Direct Record and Optical Scan. The major advantages of direct record equipment are:

1. Reduced cost of election.

2. More accurate and consistent recounts.
3. Reduces need to split precincts.
4. Ability to process numerous ballot styles (combinations) with ease allowing for freedom to expand early voting (one-stop) locations.
5. Voters and poll workers are familiar with system since we have used an older version since 1998 allowing for smoother transition.
6. With grant monies available, the cost of the new system will be less than the county paid for the existing system.

The major disadvantages are:

1. Initial cost of equipment is greater.
2. Printer jam.

The major advantages of the optical scan system are:

1. Cost.
2. Use of paper ballot.

The major disadvantages are:

1. Increased cost of election.
2. Less accurate and consistent.
3. Makes early voting (one stop) terribly difficult to manage thereby increasing the need to split precincts.
4. Much lengthier recount process.
5. Need more storage.

Mr. Bellamy presented a Resolution To Recommend the Purchase of Voting Equipment from the Board of Elections recommending the iVotronic Touch Screen Voting System.

Brunswick County Board of Elections

STATE OF NORTH CAROLINA COUNTY OF BRUNSWICK

RESOLUTION TO RECOMMEND THE PURCHASE OF VOTING EQUIPMENT

WHEREAS, the Brunswick County Board of Elections has the authority and duty to recommend a voting system of a type, make, and model approved certified by the State Board of Elections for use in some or all voting places in the county at some or all elections in accordance with G.S. 163-165.9; and

WHEREAS, the Brunswick County Board of Elections has witnessed a demonstration, in the county or at a site designated by the State Board of Elections, of a type of voting system being recommended and also witnessed a demonstration of at least one other type of voting system certified by the State Board of Elections;

WHEREAS, the State Board of Elections and the Office of Information Technology Services has a Statewide Term Contract with certified vendors;

WHEREAS, grants from the HAVA Election Fund may be used by the County Boards of Election for purchasing voting equipment from a certified vendor and the County is entitled to receive up to \$362,414.00 from the HAVA Election Fund based on the formula of \$12,000.00 per precinct, \$12,000.00 per One-Stop sites, plus \$1.00 for each voter that turned out in the 2004 presidential election but not less than \$10,000.00 or more than \$100,000.00;

THEREFORE BE IT RESOLVED that the Brunswick County Board of Elections hereby recommends the following certified voting equipment to the Board of County Commissioners;

Voting Type: [iVotronic Touch Screen Voting System](#)
Vendor: Election Systems and Software
Estimated Cost: \$1,025,549.00

s/Willie E. Sloan, Chairman
Brunswick County Board of Elections

Commissioner Moore moved to approve the purchase of the iVotronic Touch Screen Voting System and the associated Budget Amendment (\$1,025,549) and to pay in increments if possible. The vote of approval was unanimous. (**Exhibit Book 51, Attachment #12**)

6. Town of Bolivia – Stormwater Agreement - (*Marty Lawing*)

Staff recommends that the Board of Commissioners approve an Interlocal Agreement between Brunswick County and the Town of Bolivia for the administration of Stormwater Management Regulations.

Marty Lawing, County Manager explained that the Town of Bolivia requested assistance from Brunswick County in the administration of stormwater regulations within the Town limits. The Town has adopted Brunswick County's Stormwater Quality Management and Discharge Control Ordinance. The County will retain all stormwater permit and inspection fees collected within the Town as compensation for the services provided.

The proposed agreement is consistent with the stormwater agreement most recently entered into with the Town of Sunset Beach. The County currently has interlocal agreements for stormwater management and administration services with the municipalities of Belville, St. James and Sunset Beach.

Vice-Chairman Norris moved to approve the Interlocal Agreement between Brunswick County and the Town of Bolivia for the Administration of Stormwater Management Regulations. The vote of approval was unanimous. (**Exhibit Book 51, Attachment #13**)

7. Finance –Cable Franchise Agreements - (*Ann Hardy*)

Staff recommends that the Board of Commissioners consider First Reading and schedule a Second Reading for approval on February 6, 2006 of amendments to the cable agreements and corresponding ordinances with Atlantic Telephone Membership Corporation, Telemedia Corporation, Time Warner and ACC Cable Communications FL-VA to change the franchise fee from 3% to 5% effective February 1 and March 1, 2006. In addition, it is recommended that the ordinances be amended to provide for payments of franchise fees quarterly and to define gross subscriber revenues to include all legally allowable amounts.

Ann Hardy, Fiscal Operations Director explained that effective January 1, 2006, the gross receipts from providing cable service are subject to a North Carolina sales tax at the combined general rate of 7%. Cable service is defined as the one-way transmission to subscribers of video programming or other programming service and any subscriber interaction required to select or use the service. Taxable cable services include basic, extended, premium, digital, and pay-per-view movie and special event program service. The billing period of the cable service determines when the 7% tax on cable services is to be first applied. On billings made on or after February 1, 2006, the 7% sales tax will be due on charges for prepaid services for periods beginning on or after February 1, 2006 and on charges for non-prepaid services delivered on or after January 1, 2006.

A cable service provider is allowed a credit against the 7% sales tax for the amount of local franchise tax payable on the gross receipts for cable services that are subject to sales tax. Cable service providers will remit sales tax due on the gross receipts from cable services to the NC Department of Revenue. Firms will report the total amount of receipts and tax due at the 7% rate and take a credit for any local franchise taxes payable.

Atlantic Telephone Membership Corporation, Telemedia Corporation of Delaware, Time Warner Cable and ACC Cable Communications FL-VA currently provide cable service to Brunswick County customers. Each provider pays a 3% fee to Brunswick County per the current franchise agreement. Franchise fees earned by the county were \$199,047 in FY 02/03, \$182,251 in FY 03/04 and \$218,647 in FY 04/05. Local governments may charge a maximum franchise fee of 5%. Under the new law, the cable operator collects 7% and distributes up to 5% to localities and the remainder to the State. If the County's franchise fee stays at 3%, the State will receive 4%. If the County's franchise fee is raised to 5%, the State will receive 2%. Under both situations, the cable customers will pay 7%. The cable providers were contacted and agreed to amend the current franchise agreement from 3% to 5%. Amendments to the ordinances are attached. Staff recommends the Board of Commissioners consider for first reading and schedule a second reading for approval on February 6, 2006 amendments to the cable agreements and corresponding ordinances with Atlantic Telephone Membership Corporation, Telemedia Corporation, Time Warner and ACC Cable Communications FL-VA to change the franchise fee from 3% to 5% effective March 1, 2006. In addition, it is recommended that the ordinances be amended to provide for payments of franchise fees quarterly and to define gross subscriber revenues to include all legally allowable amounts.

Commissioner Sue moved to consider First Reading and schedule a Second Reading for approval on February 6, 2006 of amendments to the cable agreements and corresponding ordinances with ATMC, Telemedia Corporation, Time Warner and ACC Cable Communications FL-VA to change the franchise fee from 3% to 5% effective March 1, 2006 and amend the ordinances to provide for payments of franchise fees quarterly and to define gross subscriber revenues to include all legally allowable amounts. The vote of approval was unanimous.
(Exhibit Book 51, Attachment #14)

8. Finance –Fiscal Year 05/06 Financial Reports – Second Quarter - (Ann Hardy)

Staff recommends that the Board of Commissioners receive the Fiscal Year 05/06 Financial Reports for the Second Quarter as information.

Ann Hardy, Fiscal Operations Director reviewed the Schedule of Revenues and Expenditures – Budget and Actual for the General Fund, Water Fund and Sewer Fund prepared on the cash basis for the period beginning July 1, 2005 thru December 31, 2005 and the Capital Project Schedule of Revenues and Expenditures – Budget and Actual for the life of the projects prepared on the cash basis as of December 31, 2005.

Ms. Hardy also reviewed the Capital Reserve Schedule of Budget Appropriations as of December 31, 2005.

The Board thanked Ms. Hardy and the Finance staff for the clarity of the reports.
(Exhibit Book 51, Attachment #15)

9. Finance –Fiscal Year 05/06 Investments Earnings Report Second Quarter - (Ann Hardy)

Staff recommends that the Board of Commissioners receive the Fiscal Year 05/06 Investments Earnings Report for the Second Quarter as information.

Ann Hardy, Fiscal Operations Director reviewed the Investment Report for the period beginning July 1, 2005 thru December 31, 2005 as compared to the same period in the prior year. Earnings were \$952,145 as compared to \$320,662 in the prior year.

Ms. Hardy reviewed a listing of the rates the County has earned on the NC Capital Management Trust, BB&T money rate savings and the BB&T sweep checking account since July 2004. The

money rate savings earns the federal funds rate less 15 basis points and the checking sweep account earns the federal funds rate less 25 basis points. **(Exhibit Book 51, Attachment #16)**

10. Cedar Grove Waterline – Engineering Agreement - (Jeff Phillips)

Staff recommends that the Board of Commissioners approve a contract agreement with McKim & Creed, in the amount of \$28,787, for the Cedar Grove and Empire Road Waterline project and the associated Budget Amendment and Project Ordinance.

Jeff Phillips, Engineering Services Director explained that on September 6, 2005 the Brunswick County Board of Commissioners voted to waive the Mini-Brooks Act in order for the County to acquire price proposals for professional engineering services for this project. Five RFPs were received on January 17, 2006. The results are as follows: McKim & Creed submitted a proposed cost of services of \$28,787. HDR Engineering submitted a proposed cost of services of \$62,000. East Coast Engineering submitted a proposed cost of services of \$63,000. Thomas & Hutton submitted a proposed cost of \$115,440 and Withers & Ravenel submitted a proposed cost of services of \$125,400.

Commissioner Sue moved to approve a contract agreement with McKim & Creed in the amount of \$28,878 for the Cedar Grove and Empire Road Waterline project. The vote of approval was unanimous. **(Exhibit Book 51, Attachment #17)**

11. Welcome Sign Goal Team Recommendations - (Darry Somerset)

Staff recommends that the Board of Commissioners approve the purchase of D.O.T. Welcome signs for main roadways leading into Brunswick County.

Darry Somerset, Operation Services Director explained that the new Welcome signs would be placed as follows:

- 144" x 48" signs will be placed on Hwy. 17, near the SC State line, on Hwy 17 and Hwy. 74/76, near the New Hanover County line, and on Hwy 17 and Hwy.74/76, near the Columbus County line.

- 72" x 36" signs will be placed on Hwy. 211, near the Columbus County line, on Hwy. 130, near the Columbus County line, and on Hwy. 904, near the Columbus County line.

- 48" x 24" signs will be placed on Hwy. 57, near the SC State line, and on Mt. Misery Road, near the Columbus County line.

- Sign Parameters and Cost Estimate; pricing includes signs and installation.

3 – 144" x 48"	@ \$4225.00	\$12,675.00
----------------	-------------	-------------

3 - 72" x 36"	@ \$3615.00	\$10,845.00
---------------	-------------	-------------

2 - 48" x 24"	@ \$ 485.00	\$ 970.00
---------------	-------------	-----------

TOTAL		\$24,490.00
-------	--	-------------

- The signs will display the Brunswick County Seal and will read as follows: "Welcome to Brunswick County", with a slogan.

To decide on a slogan the Sign Committee recommends a contest involving all Brunswick County Schools. Each school will screen their entries, the selected entries will be screened again by County Government Department Heads, and the final selection will be made by the Board of County Commissioners.

Chairman Sandifer moved to approve the purchase of Department of Transportation Signs for main roadways leading into Brunswick County. The vote of approval was unanimous.

(Exhibit Book 51, Attachment #18)

12. County Government Center Entrance Sign Design and Contract - (Steve Stone)

Staff recommends that the Board of Commissioners approve the main entrance sign design and authorize staff to execute the purchase and installation agreement with Tyson Sign Systems, Inc.

Steve Stone, Assistant County Manager explained that the original "Brunswick County Government Complex" sign at our main entrance was repeatedly damaged by hurricanes beyond repair and was permanently removed after one of the 2004 storms. Staff reviewed several sign designs and recommends approval of the proposal from Tyson Sign Systems, Inc. and that staff be authorized to execute the purchase agreement. The sign will be roughly 7'6" tall and 8' wide, internally illuminated and will feature a two-line remotely programmable message board. The sign will be designed to withstand 140 MPH winds. Staff proposes to place the sign on the same knoll at the main entrance where the original sign was placed. Tyson will provide turnkey design, construction, delivery and installation services except for the final electrical hook-up, which will be the County's responsibility.

The cost of the sign is \$23,501. Funds for the project were budgeted this fiscal year and no additional appropriation will be needed.

Commissioner Moore moved to approve the main entrance sign design and authorize staff to execute the purchase and installation agreement with Tyson Sign Systems, Inc. The vote of approval was unanimous. **(Exhibit Book 51, Attachment #19)**

13. Former Sheriff's Office Building Demolition - (*Marty Lawing*)

Staff recommends that the Board of Commissioners approve the demolition of the building formerly occupied by the Sheriff's Office.

Marty Lawing, County Manager explained that the County's Capital Improvement Plan includes funds for the renovation of the old Sheriff's Office and Detention Center. After a thorough investigation of the potential uses for the building and the costs associated with upgrading and renovating the building, staff, with the assistance of consulting engineers and architects, have determined that it is not cost effective to rehab the building to comply with the 2002 North Carolina State Building Code and the 2000 International Building Code. The primary areas that would have to be brought up to code due to the change in use would be the windows, fire exits, toilet facilities, handicapped accessibility and lateral wind and seismic resistance. For example, the 1992 jail addition was designed for 110 mph winds. The current code requires a design wind speed of 135 mph. It is unknown as to what wind speed was used for the design and construction of the original administration portion of the building.

Architectural estimates based on similar renovation projects were around \$140.00 per square foot which would indicate that it would cost in excess of \$2.5 million to renovate the 18,200 square foot building. The end product would probably not be as user friendly as a new facility.

This demolition will be a major undertaking. An Asbestos Survey Report prepared by S&ME indicates the existence of some asbestos, which could become friable as the result of demolition activities, so the County will need to contract with a licensed asbestos abatement contractor for removal and disposal. It appears that the asbestos is limited to the 12" x 12" floor tiles and the black mastic underneath the tile and approximately 200 linear feet of exterior window caulking.

A fiber optic phone line that serves other buildings also runs through the building. The County would need to contract to have the line relocated.

A cost estimate provided by a demolition contractor, which did not include asbestos abatement, exceeded \$200,000. The County's Operation Services Department has indicated that they can demolish the building. The department may need to rent some additional equipment to assist in the effort.

Commissioner Moore moved to move forward with the process of demolition and disposing of the old Sheriff's Office and Detention Center. The vote of approval was unanimous.
(Exhibit Book 51, Attachment #20)

14. Goals & Objectives – Second Quarter Update - (*Marty Lawing*)

Staff recommends that the Board of Commissioners accept the Goals & Objectives Second Quarter Update as information.

Marty Lawing, County Manager updated and reviewed the Second Quarter Goals & Objectives.
(Exhibit Book 51, Attachment #21)

VIII. BOARD APPOINTMENTS

1. Criminal Justice Partnership Program – (2 appointments)

Commissioner Sue moved to appoint Marion Warren and Kathy Owens. Commissioner Moore moved to close the nominations. The vote of approval was unanimous. Commissioner Rabon moved to approve the recommended appointments of Warren and Owens. The vote of approval was unanimous. Marion Warren and Kathy Owens were reappointed to serve another three year term that will expire February 1, 2009.

2. Southeastern Economic Development Commission (SEDC) – (1 appointment)

Commissioner Sue nominated Velva Jenkins. Commissioner Rabon moved to close the nominations. The vote of approval was unanimous. Commissioner Moore moved to approve the appointment of Velva Jenkins. The vote of approval was unanimous. Ms. Jenkins will serve a three year term in the Minority Slot that will expire January 1, 2009.

IX. COUNTY ATTORNEY'S REPORT

1. Deed of Dedication & Lien Waiver – Villas on Osprey Ridge at Sea Trail

To approve a Deed of Dedication & Lien Waiver from CC&D Builders for the Villas on Osprey Ridge at Sea Trail.

Huey Marshall, County Attorney, explained that these installations have been completed and are ready for acceptance into the County System.

Vice-Chairman Norris moved to approve the Deed of Dedication and Lien Waiver from CC&D Builders for the Villas on Osprey Ridge at Sea Trail. The vote of approval was unanimous.
(Exhibit Book 51, Attachment #22)

2. Deed of Dedication & Lien Waiver – Forest Pine Drive

To approve a Deed of Dedication & Lien Waiver from W.A. Roach for Forest Pine Drive.

Huey Marshall, County Attorney explained that these installations have been completed and are ready for acceptance into the County System.

Commissioner Sue moved to approve the Deed of Dedication & Lien Waiver from W.A. Roach for Forest Pine Drive. The vote of approval was unanimous. (Exhibit Book 51, Attachment #22)

3. Deed of Dedication & Lien Waiver – The Colony II

To approve a Deed of Dedication & Lien Waiver from Island Investments, LLC for The Colony II.

Huey Marshall, County Attorney explained that these installations have been completed and are ready for acceptance into the County System.

Commissioner Sue moved to approve a Deed of Dedication & Lien Waiver from Island Investments, LLC for The Colony II. The vote of approval was unanimous.
(Exhibit Book 51, Attachment #22)

4. Closed Session 7:47 p.m.

Commissioner Rabon moved to enter Closed Session pursuant to NCGS 143-318.10 (a) (5) attorney-client privilege to discuss two legal matters. The vote of approval was unanimous.

Break

The Chairman called a ten-minute break.

Reconvened

Chairman Sandifer called the Open Session back to order at 8:31 p.m. and announced that no action was taken in Closed Session.

X. OTHER BUSINESS/INFORMAL DISCUSSION

There was no other business to discuss.

XI. ADJOURNMENT

Commissioner Sue moved to adjourn the Regular Meeting at 8:31 p.m. The vote of approval was unanimous.

David R. Sandifer, Chairman

Deborah (Debby) Gore, Clerk to the Board